

Comments of Mary C. Harris, Board of Directors, Marina Towers Condominium Association, Alexandria VA, on May 4, 2007

RE: SAPCB proposed consent orders for Mirant Potomac River Generating Station

Dear Ms. Harvey;

This letter is to oppose generally the use of a consent order and specifically the issuance of proposed consent order #1 (negotiated by Mirant and VDEQ) upon the expiration of the USEPA Administrative Compliance Order with Mirant. A consent order, as proposed, is not an adequate or even a reliable means to ensure compliance with the NAAQS in the area affected by emissions from the Mirant Potomac River Generating Station and unreasonably delays the protection of public health and welfare to residents of Marina Towers. I agree with and incorporate by reference the comments submitted on behalf of NOTICE, the local civic association, and also those of the City of Alexandria in this matter. I offer the following additional comments.

The Marina Towers Condominium Association (MT) is a 283 unit, high rise residence in Alexandria, Virginia, built in 1968. Marina Towers borders the Potomac River Generating Station (hereafter "Mirant" or PRGS) to the north along the Mount Vernon Bike Trail and the Potomac River. There are today about 500 residents and workers at Marina Towers. It is throwing distance from MT's roof line and high floor balconies to the nearest stacks of this power plant and a lesser distance from the stack top to MT's grounds, picnic and recreation areas and the public bike path. Marina Towers has a significant number of residents and employees (>20%) considered to be "sensitive populations" - asthma sufferers, chronic bronchitis, COPD, other respiratory and heart ailments as well as children under 10 years old, seniors over 65 years and post-menopausal women over 55 ( now known to be at high risk for heart attacks at various levels of PM2.5).

Marina Towers has considerable interest in the Board's deliberations on this matter. It has been identified in numerous air quality studies (Sullivan Screening Level of PRGS, Mirant "Downwash" Study, City of Alexandria Air Quality Modeling Study, USDOE Special Environmental Assessment) as the location of maximum impact of emissions from PRGS. In response to these studies and the DOE's Emergency Order 05-01, a subsequent USEPA administrative compliance order authorized "intermittent controls" for a period of 1 year. The order, the ending of which signals the need for action in this matter, was designed to ensure "an acceptable level of electric reliability" for Washington DC during the period of the Emergency Order - not ensure compliance with NAAQS. EPA considered this timeframe both "reasonable" and "expeditious" based on the seriousness of the NAAQS exceedances and the time required for Mirant to "*take more permanent measures*", to obtain a state operating permit from VDEQ (required in ACO Section E) and for electric transmission lines to be placed in service. Marina Towers was asked to host air monitors on its roof to facilitate this order. Marina Towers provides enclosed roof space, secured locations, utilities and 24 hour security to this equipment

and the personnel who tend it – at no cost to Mirant and the government agencies. We did this because we hoped it would improve our quality of life. It has not. Today, there are four (4) air quality monitors on Marina Towers roof – serving Mirant (EPA & VDEQ), City of Alexandria and the federal Agency for Toxic Substances and Disease Control (ASTDR). It is not hard to think that everyone wants to study our health...but no one takes the necessary steps to improve it.

**Electric reliability benefits no longer require deferral of permanent, reliable public health protection.** The period of the DOE Emergency Order ends on July 1, 2007. The “in service” date for the last new transmission lines is currently June 21, 2007. According to USDOE Emergency Order EO 05-01, until July 1st or such time as the new electric transmission lines are placed in service, Mirant is required to operate to ensure local electric reliability. To our knowledge no claim or data have been submitted showing any emergency conditions will exist that *require* continued operation of the Potomac Electric Generating Station. After that time, Mirant should be required, by a proper VDEQ operating permit, to operate to ensure compliance with the NAAQS and reliably protect public health and welfare. The short term special conditions Mirant has been operating under should not be converted in a consent decree to normal operating procedures. They have not been demonstrated to be protective of public health and the NAAQS.

**Health benefits should be estimated for the consent orders.** The DOE Special Environmental Assessment anticipated possible delays in placing new transmission lines in service and has in fact estimated the health burden of continuing the present electric load following operation of Mirant and “intermittent control” of emissions through the end of December, 2007. The expected incidence of short and long term health effects is shown on page 85 of that document which is included for the record of this matter. It includes 23 incidences of premature mortality in adults over 30 years, 31 non-fatal myocardial infarctions in adults over 18 years, 15 hospital admissions for respiratory and cardiovascular treatment for adults over 20, 13 cases of chronic bronchitis in adults and 19 cases of acute bronchitis in children, 440 asthma exacerbations in children, 2,488 lost work days for adults and over 14,000 restricted activity days for adults. Clearly a permit (order) with more restrictive emission limits and no reliance on intermittent controls is needed to reduce the health burden and costs on local and area residents. In any order or permit application or justification, the SAPCB should require a demonstration of the health and welfare benefits of such an action.

**Mirant and VDEQ have had ample time to evaluate and propose a permit with permanent measures to ensure NAAQS compliance.** Certainly it was Marina Towers’ understanding (when entering into a roof lease for monitors with Mirant at EPA’s request) that by the end of the 12 month period of the ACO – permanent and reliable measures would have been taken to ensure the protection of public health and welfare. (See section E of that order) Now VDEQ and Mirant are proposing yet another period of further study, continuation of unreliable intermittent controls and sanction of an unproven (and discredited) plume dispersion technique as demonstration of compliance. This is not fully, or even reliably, protective of public health and welfare and is no longer necessary for any considerable public purpose. Mirant has been on the Virginia’s high priority

violator list since 2003 and downwash and NAAQS exceedances were disclosed in 2005. We are particularly troubled that Mirant's April announcement to explore "*entering into a transaction with another company, including sale of the company in its entirety*" may result in further delays as new owners or prospective buyers attempt to extend or craft yet another bilateral agreement which relies on our cooperation but in which we have no legal standing. A comprehensive permit is the preferred method of compliance for this facility.

**Intermittent controls (ICS) are illegal and cannot be relied upon to ensure NAAQS compliance and should not be part of any consent order or permit.** There are currently two (2) Mirant air quality monitors on MT's top roof and several other monitors around the Mirant property line. These monitors along with daily weather predictions and changes in plant operations or trona injection make up the defense against naaqs exceedance. Instead of offering redundancy or reliability, they are codependent. They also rely heavily on trained and motivated personnel and operable equipment to manage and adjust operations on a continuous basis. (See VDEQ's NOV for February 23rd monitored exceedance) Mirant and EPA or DEQ must be right on the weather predictions, able to adjust operating parameters and have its trona delivered and conveyors moving and pumping seamlessly and monitors operable, uncompromised and properly calibrated. Each is a link in a chain that must work to earn compliance. The notorious unpredictability and variability of wind direction and strength at different altitudes makes daily predictive modeling another unreliable link. The difficulty and costs of enforcing ICS are not justified by the health and welfare benefits.

The monitors were proposed to deal with a *short term* emergency situation and are not sustainable or reliable. These monitors make up a small network aimed to detect ambient air quality levels at their specific location. In the case of Marina Towers we can no longer postpone critical roofing work and are unlikely to be able host them uncompromised for the expected period of any consent order.

A cursory search of EPA's website shows that exemptions for using ICS have been sparse in the past 25 years. Only two such cases –on the islands of Guam and Saint Croix- were found where no alternative sources of power or control measures were available. These measures should be rejected in favor of permanent pollution control measures that reduce emissions to a level that is healthful regardless of downwash.

**The proposed stack merge project is a prohibited dispersion technique and its impacts on Marina Towers and the region are undisclosed. It is not appropriate for any consent order.**

Plume dispersion techniques, such as stack mergers and higher stacks, are prohibited in the Clean Air Act except in certain cases which have not been claimed by Mirant. There are alternative resources of electricity in the region when the Emergency Order ends. There are options for reducing emissions which can be adopted by the Potomac River Generating Station. There is no impact assessment of the stack merger even offered for public evaluation –similar to the analyses done for the Department of Energy. This is properly a matter for a permit regime not a consent order. Based on the information provided by DEQ at the SAPCB March 26<sup>th</sup> meeting, atmospheric loading from emissions at Mirant is likely to increase. If there is a proposed reduction in health and

environmental effects then it should be properly documented and presented as part of a permit hearing.

Finally, the City of Alexandria has proposed that a special local air quality district be formed. From our point of view this approach has tremendous merit, it will add to the resources of an under resourced VDEQ in Northern Virginia and offer a lower cost and highly visible focal point for air quality matters in the metropolitan region.

If the Potomac River Generating Station intends to continue operating in Alexandria then it should be required to meet the all applicable laws and state of the art performance standards. The plant should install modern pollution controls and operate quietly and healthfully in a neighborly way. It should have a permit that can be monitored and enforced at the minimum cost and disruption to civil society.

Thank you for the opportunity to make these comments on the proposed consent orders.

Sincerely,

Mary C. Harris, Board of Directors  
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